UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,268	05/18/2006	Peter Vogel	10191/4275	8846

26646 7590 05/26/2009

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
WENDELL, ANDREW	
ART UNIT	PAPER NUMBER
2618	
MAIL DATE	DELIVERY MODE
05/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/564,268	VOGEL ET AL.	
	Examiner	Art Unit	
	ANDREW WENDELL	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14,16-18 and 20-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14,16-18 and 20-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 14, 16-18, 20, 26, 27-28, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Breed (US Pat# 7,126,583).

Regarding claim 14, Andreas teaches a method for operating multimedia and/or telematics services 11, 12, or 13 (Fig. 1) in a motor vehicle 10 (Fig. 1), comprising providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15) wherein at least one service uses at least one input medium (Page 4 line 3-Page 5 line 15, i.e. receiving phone call or operating panel for the car radio), at least one service uses at least one output medium (Page 4 line 3-Page 5 line 15, i.e. making phone call or audio output from radio or output from navigation system), the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1). Andreas fails to teach a video output medium.

Breed teaches at least one video output medium that includes at least two display adaptations of one service (Col. 16 lines 38-67, can change text and graphics and location); and performing a speed-dependent adaptation of the at least one video output medium (Col. 14 lines 59-60 and Col. 15 lines 1-4, they are used to help in speed situations).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a video output medium as taught by Breed into Andreas vehicle controls in order to improve safety (Col. 13 lines 57-67 and Col. 14 lines 1-5).

Regarding claim 16, the combinations including Andreas teaches wherein the selection of the services includes a prioritization of predetermined services (based on vehicle speed can have priority on services, i.e. higher priority to receive calls when vehicle is below 130Km/h than when over 130Km/h the priority of receiving calls are lowered) over other services that are also available (Page 4 line 3-Page 5 line 15).

Regarding claim 17, the combination including Andreas teaches performing a speed-dependent selection from among the at least two (Page 4 line 3-Page 5 line 15) input mediums (Page 4 line 3-Page 5 line 15, i.e. receiving phone call or operating panel for the car radio) for an operator control of the at least one service that uses the at least two input mediums.

Regarding claim 18, the combination including Breed teaches performing a speed-dependent selection from among the at least two output mediums for a

representation of the at least one service that uses the at least two output mediums (Col. 14 lines 59-60 and Col. 15 lines 1-4, they are used to help in speed situations).

Regarding claim 20, the combination including Andreas teaches performing a control involving a selection, based at least in part on the speed of the vehicle of a suitable form of representation of contents (car phone, car radio, navigation system) provided by the particular service on an output medium (Page 4 line 3-Page 5 line 15).

Regarding claim 22, the combination including Breed teaches changing one of a sensitivity characteristic of a microphone and a directional characteristic of the microphone (Col. 17 lines 9-29).

Regarding claim 26, Andreas teaches a service management unit 15 (Fig. 1) for use in an operation of multimedia and/or telematics services 11, 12, or 13 (Fig. 1) and associated user interfaces, in a motor vehicle 10 (Fig. 1), comprising a control unit 15 (Fig. 1) for analyzing information on a vehicle speed (Page 3) and being configured for providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.), wherein the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1). Andreas fails teach a visual output medium.

Breed teaches a video output medium to display information about at least one service (Col. 14 line 42-Col. 15 line 67), and the providing includes adapting the display of information (Col. 16 lines 38-67, can change text and graphics and location) in a speed-dependent manner, where the display and the adapted display provide information about an active state of a service (Col. 14 lines 59-60 and Col. 15 lines 1-4, they are used to help in speed situations).

Regarding claim 27, the combination including Breed teaches adapting the video output medium in a manner controlled by a speed by changing a character display size on the video output medium (Col. 16 lines 38-67).

Regarding claim 28, the combination including Breed teaches adapting the video output medium in a manner controlled by a speed by replacing text with graphical information (Col. 16 lines 38-67).

Regarding claim 30, the combination including Breed teaches wherein the video output medium is configured to display computer generated graphics (Col. 16 lines 38-67).

Regarding claim 31, the combination including Breed teaches adapting an output medium in a manner controlled by a speed by performing at least the following changing a character display size on the output medium; and replacing text with graphical information (Col. 16 lines 38-67).

3. Claim 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Breed (US Pat# 7,126,583) and further in view of Wawra et al. (US Pat# 6,714,860).

Regarding claim 21, Andreas in view of Breed teaches the limitations in claim 14. Andreas and Breed fail to teach providing controlled selection of advertisements as a function of the speed.

Wawra teaches an output medium in a manner controlled by a speed by providing controlled selection of advertisements as a function of the speed (Col. 2 lines 54-59).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate providing controlled selection of advertisements as a function of the speed as taught by Wawra into a video output medium as taught by Bread into Andreas vehicle controls in order to improve navigation device with more views (Col. 1 lines 20-25).

Regarding claim 29, Wawra further teaches adapting the video output medium in a manner controlled by a speed by providing a controlled selection of advertisements as a function of the speed (Col. 2 lines 54-59).

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Breed (US Pat# 7,126,583) and further in view of Toshio (JP 06-61923).

Regarding claim 23, Andreas in view of Breed teaches the limitations in claim 14. Andreas and Yamanaka fail to teach selecting a transmission medium.

Toshio teaches selecting a transmission medium (selecting the correct base station to transmit based on speed) for communication and setting corresponding service parameters as a function of a speed (Figs. 2 and Section 0009).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate selecting a transmission medium as taught by Wakabayashi into a video output medium as taught by Breed into Andreas's vehicle controls in order to reduce deterioration of the speech quality (Purpose).

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Breed (US Pat# 7,126,583) and further in view of O'Neil (US Pat# 6,973,333).

Regarding claim 24, Andreas in view of Breed teaches the limitations in claim 14. Andreas and Breed fail to teach performing a control in at least one of a location-dependent manner and a context-dependent manner.

O'Neil teaches performing a control in at least one of a location-dependent manner and a context-dependent manner (Col. 14 line 49-Col. 15 line 2).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate performing a control in at least one of a location-dependent manner and a context-dependent manner as taught by O'Neil into a video output medium as taught by Breed into Andreas's vehicle controls in order to increase flexibility in restricting the use of cellular telephones (Col. 2 lines 62-67).

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreas (JP 2001-119451) in view of Damiani et al. (US Pat# 6,667,726) and further in view of Breed. (US Pat# 7,126,583).

Regarding claim 25, Andreas teaches a vehicle information system (Fig. 2) for operating services including at least one of multimedia services and telematics services 11, 12, or 13 (Fig. 1) and associated user interfaces in a motor vehicle 10 (Fig. 1), comprising a service management unit 15 (Fig. 1) connectable to a) a device for one of measuring and displaying an instantaneous vehicle speed 17.1 and 17.2 (Fig. 1 and Page 3), and b) a user interface 11, 12, or 13 (Fig. 1) for providing the services in a speed-dependent manner (Page 4 line 3-Page 5 line 15, i.e. controlling based on speed for making calls, operability of the car radio, incoming calls, navigation announcements, etc.), wherein the providing of the service includes providing at least one of a control of a selection of the services (Page 4 line 3-Page 5 line 15, i.e. controlling making calls, operability of the car radio, incoming calls, navigation announcements, etc.) and a representation of the services on a user interface 11, 12, or 13 (Fig. 1, every component has some sort of user interface in order to be able to use the components) present in the motor vehicle 10 (Fig. 1). Andreas fails to clearly teach measuring instantaneous speed (even though it would be obvious) and a video output medium.

Damiani teaches a device for one of measuring and displaying an instantaneous vehicle speed (Col. 3 lines 25-30).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate measuring instantaneous speed as taught by Damiani into Andreas's vehicle controls in order to increase visibility and therefore increase safety (Col. 1 lines 28-47).

Andreas and Damiani fail to teach a video output medium

Breed teaches a video output medium to display information about at least one service and the providing includes adapting the display (Col. 16 lines 38-67, can change text and graphics and location) of information in a speed-dependent manner, where the display and the adapted display provide information about an active state of a service (Col. 14 lines 59-60 and Col. 15 lines 1-4, they are used to help in speed situations).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a video output medium as taught by Breed into measuring instantaneous speed as taught by Damiani into Andreas's vehicle controls in order to improve safety (Col. 13 lines 57-67 and Col. 14 lines 1-5).

Response to Arguments

7. Applicant's arguments with respect to claims 14, 16-18, and 20-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618

/Andrew Wendell/
Examiner, Art Unit 2618

5/21/2009